

Exhibit 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.
Plaintiff,
vs. Case No. 3:10-cv-03561-WHA
GOOGLE, INC.,
Defendant.

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PURSUANT TO THE PROTECTIVE ORDER

VIDEO DEPOSITION OF GREGORY K. LEONARD, Ph.D.

San Francisco, California

Friday, March 11, 2016

Volume I

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2241706

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<p>1 San Francisco, California; Friday, March 11, 2016</p> <p>2 9:14 a.m.</p> <p>3 ---o0o---</p> <p>4</p> <p>5 THE VIDEOGRAPHER: Good morning. We are</p> <p>6 on the record at 9:14 a.m., on March 11th, 2016.</p> <p>7 This is the video-recorded deposition of</p> <p>8 Dr. Gregory Leonard. My name is the</p> <p>9 Brandon Miller, here with court reporter,</p> <p>10 Rebecca Romano. We are here from</p> <p>11 Veritext Legal Solutions.</p> <p>12 This deposition is being held at</p> <p>13 405 Howard Street, Tenth Floor,</p> <p>14 San Francisco, California. The caption of this</p> <p>15 case is Oracle America, Incorporated, versus</p> <p>16 Google, Incorporated; Case No. C:10-03561-WHA.</p> <p>17 Please note that audio and video</p> <p>18 recording will take place unless all parties agree</p> <p>19 to go off record. Microphones are sensitive, and</p> <p>20 may pick up whispers, private conversations, and</p> <p>21 cellular interference.</p> <p>22 I am not related to any party in this</p> <p>23 action, nor am I financially interested in the</p> <p>24 outcome in any way.</p> <p>25 At this time will attorneys introduce</p> <p style="text-align: right;">Page 10</p>	<p>1 GREGORY LEONARD, Ph.D.,</p> <p>2 having been administered an oath, was examined and</p> <p>3 testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. HURST:</p> <p>7 Q. Good morning.</p> <p>8 A. Good morning.</p> <p>9 Q. Do you prefer to be addressed as</p> <p>10 Dr. Leonard or Mr. Leonard?</p> <p>11 A. Whatever.</p> <p>12 Q. All right. Dr. Leonard, you've been</p> <p>13 retained as an expert in litigation before?</p> <p>14 A. Yes.</p> <p>15 Q. Approximately how many times?</p> <p>16 A. I haven't counted recently, but probably</p> <p>17 over a hundred.</p> <p>18 Q. And you have testified many times?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Approximately how many times have</p> <p>21 you testified in deposition?</p> <p>22 A. Again, I haven't really counted, but</p> <p>23 probably, I don't know, 80 maybe.</p> <p>24 Q. And you've testified at trial?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 12</p>
<p>1 themselves.</p> <p>2 MS. HURST: Good morning. My name is</p> <p>3 Annette Hurst, from Orrick, for Oracle America.</p> <p>4 With me this morning are my colleagues, Andrew Kim;</p> <p>5 Ayanna Lewis-Griss; Robert Keele; Alyssa Caridis;</p> <p>6 Hannah Junkerman; and from Ocean Tomo,</p> <p>7 Robert McSorley.</p> <p>8 MR. COOPER: I'm John Cooper. I'm with</p> <p>9 Farella Braun + Martel. I represent</p> <p>10 Dr. James Kearl, who is Judge Alsup's Rule 706</p> <p>11 expert, and Dr. Kearl is here with me.</p> <p>12 MR. PURCELL: I'm Dan Purcell from</p> <p>13 Keker & Van Nest, representing Google.</p> <p>14 THE VIDEOGRAPHER: Thank you.</p> <p>15 You may now swear in the witness.</p> <p>16 THE REPORTER: If you could raise your right</p> <p>17 hand for me, please.</p> <p>18 THE DEPONENT: (Complies.)</p> <p>19 THE REPORTER: You do solemnly state,</p> <p>20 under penalty of perjury, that the testimony you</p> <p>21 are about to give in this deposition shall be the</p> <p>22 truth, the whole truth and nothing but the truth?</p> <p>23 THE DEPONENT: I do.</p> <p>24</p> <p>25 ////</p> <p style="text-align: right;">Page 11</p>	<p>1 MR. COOPER: Excuse me. Dr. Leonard,</p> <p>2 could we ask you to speak up a little bit.</p> <p>3 THE DEPONENT: Yeah, I know. It's going</p> <p>4 to be a problem. I'm -- I have that problem. I --</p> <p>5 I will do my best.</p> <p>6 MR. COOPER: Okay, thank you.</p> <p>7 THE DEPONENT: All right.</p> <p>8 Q. (By Ms. Hurst) Approximately how many</p> <p>9 times have you testified at trial?</p> <p>10 A. About 30, I think.</p> <p>11 Q. And you are an economist?</p> <p>12 A. Yes.</p> <p>13 Q. You have a Ph.D. in economics?</p> <p>14 A. I do.</p> <p>15 Q. Now, in your professional experience, is</p> <p>16 it ordinarily considered fair to take someone's</p> <p>17 valuable property and use it for commercial gain</p> <p>18 without paying for the privilege of doing so?</p> <p>19 MR. PURCELL: Object to the form.</p> <p>20 THE DEPONENT: I'm sorry, could you</p> <p>21 reread that question for me, please?</p> <p>22 (Record read as follows:</p> <p>23 "QUESTION: In your professional</p> <p>24 experience, is it ordinarily</p> <p>25 considered fair to take someone's</p> <p style="text-align: right;">Page 13</p>

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<p>1 calculation?</p> <p>2 A. That, again, is looking at the costs</p> <p>3 avoided, but this time associated with training</p> <p>4 developers to help them be proficient in the</p> <p>5 furtherances of different programming language.</p> <p>6 Q. And the 23- to-103-million range</p> <p>7 calculation, what was the methodology of that</p> <p>8 calculation of unjust enrichment?</p> <p>9 A. There, it's the cost savings associated</p> <p>10 with Google having to, for instance, pay for the</p> <p>11 development of applications, you know, that again</p> <p>12 was avoided potentially by the alleged</p> <p>13 infringement.</p> <p>14 Q. And the 203 million, what was the method</p> <p>15 of calculation of unjust enrichment in that</p> <p>16 scenario?</p> <p>17 A. In that one it's looking at the value</p> <p>18 that's contributed by the alleged infringement,</p> <p>19 assuming that none of the cost savings -- I am</p> <p>20 sorry -- none of those activities I just described</p> <p>21 took place. So it's looking at the value that was</p> <p>22 contributed from the point of view of the number of</p> <p>23 additional users that the alleged infringement</p> <p>24 generated and the -- and profits associated with</p> <p>25 those.</p> <p style="text-align: right;">Page 42</p>	<p>1 the intellectual property is that is at issue in</p> <p>2 the case.</p> <p>3 Q. (By Ms. Hurst) So it's an alternative</p> <p>4 course of action that the accused infringer might</p> <p>5 have taken but did not in the real world, true?</p> <p>6 A. I mean, that's one way of -- of looking</p> <p>7 at it, yes.</p> <p>8 Q. Now, in order for a non-infringing</p> <p>9 alternative to be a viable alternative course of</p> <p>10 action, it has to be both commercially and</p> <p>11 technically feasible, true?</p> <p>12 MR. PURCELL: Object to the form.</p> <p>13 THE DEPONENT: Well, something that</p> <p>14 wasn't at all feasible, you know, wouldn't be a</p> <p>15 tremendously good alternative. So, from an</p> <p>16 economist point of view, you just look at the --</p> <p>17 you look at the nature of the alternative and --</p> <p>18 because again value, if anything, is really in</p> <p>19 relation to the -- to some alternative. So you've</p> <p>20 got to look at what the alternatives are, and some</p> <p>21 may be better than others. And certainly those</p> <p>22 considerations are ones that -- that you would look</p> <p>23 at.</p> <p>24 Q. (By Ms. Hurst) Yes or no, is it true</p> <p>25 that in order for a non-infringing alternative to</p> <p style="text-align: right;">Page 44</p>
<p>1 Q. Does that 203-million calculation depend</p> <p>2 on -- in any way on notions of cost savings?</p> <p>3 A. No. It's really saying, if you didn't</p> <p>4 take the actions that the costs -- that the alleged</p> <p>5 infringement allow you to avoid, then that would</p> <p>6 have been the consequences of that.</p> <p>7 Q. And what is the methodology that you used</p> <p>8 in making your 32-million unjust enrichment</p> <p>9 calculation?</p> <p>10 A. It's apportioning the profits associated</p> <p>11 with Android to the alleged infringement.</p> <p>12 Q. And the 56-million calculation, what was</p> <p>13 the methodology behind that?</p> <p>14 A. At a high level it's the same. It's an</p> <p>15 apportionment of the profits associated with</p> <p>16 Android using a somewhat different methodology for</p> <p>17 the apportionment percentage than the previous.</p> <p>18 Q. Now, are you familiar with the concept of</p> <p>19 non-infringing alternatives?</p> <p>20 A. Yes.</p> <p>21 Q. And how do you understand that concept?</p> <p>22 MR. PURCELL: Object to the form.</p> <p>23 THE DEPONENT: Non-infringing alternative</p> <p>24 is a -- is an action of something somebody could</p> <p>25 have done that would not have infringed whatever</p> <p style="text-align: right;">Page 43</p>	<p>1 be a viable alternative course of action, it must</p> <p>2 be both commercially and technically feasible?</p> <p>3 MR. PURCELL: Object to the form.</p> <p>4 THE DEPONENT: Again, I mean, if it's not</p> <p>5 feasible then it won't be viable. That's -- I</p> <p>6 agree with that.</p> <p>7 Q. (By Ms. Hurst) All right. If it's not</p> <p>8 commercially feasible, then it is not a viable</p> <p>9 alternative course of action, true?</p> <p>10 MR. PURCELL: Object to the form.</p> <p>11 THE DEPONENT: Yeah, generally speaking.</p> <p>12 I mean, that's -- that kind of begs the question,</p> <p>13 but you would certainly look at -- at factors</p> <p>14 relevant to commercial feasibility, yes.</p> <p>15 Q. (By Ms. Hurst) And if it's not</p> <p>16 technically feasible then it wouldn't be a viable</p> <p>17 alternative course of action, true?</p> <p>18 MR. PURCELL: Object to the form.</p> <p>19 THE DEPONENT: Again, that's certainly</p> <p>20 something one would look at.</p> <p>21 Q. (By Ms. Hurst) Well, are there more</p> <p>22 requirements in addition to commercial and</p> <p>23 technical feasibility for something to be</p> <p>24 considered a viable alternative course of action</p> <p>25 that is a non-infringing alternative?</p> <p style="text-align: right;">Page 45</p>